



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 23 जून, 1995/2 आषाढ़, 1917

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-2, 23 जून, 1995

संख्या एल० एल० आर० डी० (6) 1/95-लेजिसलेशन.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 22 जून, 1995 को अनुमोदित पंजाब आर्क्कायरी (हिमाचल प्रदेश संशोधन) विधेयक, 1995 (1995 का 2) को 1995 के हिमाचल प्रदेश अधिनियम संख्यांक 8 के रूप में संविधान के अनुच्छेद 348(3) के अधीन उसके प्राधिकृत पाठ सहित, हिमाचल प्रदेश, राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा;

कुलदीप चन्द सूद;
सचिव

पंजाब आबकारी (हिमाचल प्रदेश संशोधन) अधिनियम, 1995

(राज्यपाल द्वारा, तारीख 22 जून, 1995 को यथा अनुमोदित)

पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त, और प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में हिमाचल प्रदेश (विधियों का लागू होना) आदेश, 1948 और बिलासपुर (विधियों का लागू होना) आदेश, 1949 द्वारा यथा लागू, पंजाब आबकारी अधिनियम, 1914 (1914 का 1) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के छियालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्न-लिखित रूप में यह अधिनियमित हो :—

1. इस अधिनियम का संक्षिप्त नाम पंजाब आबकारी -(हिमाचल प्रदेश संशोधन) अधिनियम, 1995 है।

संक्षिप्त नाम। 2. पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त, और प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में यथा लागू, पंजाब आबकारी अधिनियम, 1914 (जिसे धारा 26-A इसमें इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 26 के पश्चात् निम्न-लिखित धारा 26-A अन्तःस्थापित की जाएगी, अर्थात्:—

का अन्तः-स्थापन।

“26-A. *Prohibition of sale etc. of adulterated liquor.*—No licensed vendor and no person in the employ of such vendor or acting on his behalf shall adulterate any liquor, which the vendor is licensed to sell, in such a manner as to change the strength fixed and quality of such liquor and no such vendor or person shall possess, store, sell or expose for sale, any such adulterated liquor.”

धारा 61
का
संशोधन।

3. मूल अधिनियम की धारा 61 में,—

(i) उप-धारा (1) में, —

(क) “five thousand” शब्दों के स्थान पर “two lakh” शब्द रखे जाएंगे ;

(ख) परन्तुक्त में,—

(i) भाग (i) में, “one year” और “five thousand” शब्दों के स्थान पर क्रमशः “three years” और “one lakh” शब्द रखे जाएंगे ;

(ii) भाग (ii) में, “six months” और “one thousand” शब्दों के स्थान पर क्रमशः “one year” और “fifty thousand” शब्द रखे जाएंगे ;

(iii) भाग (iii) में, “three months”, “five hundred”, “six months” और “one thousand” शब्दों के स्थान पर क्रमशः “six months”,

"five thousand", "one year" और "ten thousand" शब्द रखे जाएंगे; और

(iv) भाग (iv) में, "six months" और "two thousand" शब्दों के स्थान पर क्रमशः "one year" और "twenty thousand" शब्द रखे जाएंगे; और

(ii) उप-धारा (2) में, "with imprisonment for a term which may extend to two years and fine which may extend to two thousand rupees" शब्दों के स्थान पर "—"
चिह्न रखे जाएंगे और तत्पश्चात् निम्नलिखित परे जोड़े जाएंगे, अर्थात् :—

"(i) where such contravention relates to an offence specified in clauses (a), (c), (d) and (e), with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees; and

(ii) where such contravention relates to an offence specified in clause (b), with imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to fifty thousand rupees."; and

(iii) उप-धारा (2) के पश्चात्, निम्नलिखित उप-धारा जोड़ी जाएगी, अर्थात् :—

"(3) Notwithstanding anything contained in sub-section (1), where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 20 or section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as the case may be."

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4. मूल अधिनियम की धारा 63 में, "five thousand" शब्दों के स्थान पर "one lakh" शब्द रखे जाएंगे। धारा 63 का संशोधन।

5. मूल अधिनियम की धारा 65 के पश्चात्, निम्नलिखित धारा 65-A अन्तःस्थापित की जाएगी, अर्थात् :— धारा 65-A का अन्तःस्थापन।

"65-A. *Penalty for sale etc. of adulterated liquor by licensee or his servants.*—Notwithstanding anything contained in section 65 of this Act, if any licensed vendor, or any person in his employ or acting on his behalf, possesses, stores, sells, or exposes for sale any adulterated liquor in contravention of section 26-A of this Act, he shall be punishable with a fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees."

6. मूल अधिनियम की धारा 68-A में, ---

(क) प्रथम परन्तुक में, "five thousand" शब्दों के स्थान पर "two lakh" शब्द रखे जाएंगे; और धारा 68-A का संशोधन।

(ख) द्वितीय और तृतीय परन्तुक के स्थान पर निम्नलिखित परन्तुक रखे जाएंगे, अर्थात् :—

“Provided further that the enhanced punishment shall not in any way affect the minimum sentences prescribed for the offences specified in the proviso to sub-section (1) of section 61 :

Provided further that where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985.”

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धारा 72 का संशोधन । 7. मूल अधिनियम की धारा 72 के परन्तुक में “section 61” शब्द और अंकों के पश्चात्, परन्तु “shall be” शब्दों से पूर्व, “and the offences punishable under section 63” शब्द और अंक अन्तःस्थापित किए जाएंगे ।

धारा 80 का संशोधन । 8. मूल अधिनियम की धारा 80 की उप-धारा (1) में,—

(क) “section 65” शब्द और अंक के पश्चात्, “section 65-A” चिन्ह, शब्द, अंक और अक्षर अन्तःस्थापित किए जाएंगे ; और

(ख) अन्त में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

“Provided that in respect of the offence punishable under section 65-A, the Collector shall not accept from the accused person a sum of money by way of composition which is less than twenty-five thousand rupees.”

Act No. 8 of 1995.

**THE PUNJAB EXCISE (HIMACHAL PRADESH AMENDMENT)
ACT, 1995**

(As assented to by the Governor on the 22nd June, 1995)

AN

ACT

further to amend the Punjab Excise Act, 1914 (Punjab Act No. 1 of 1914) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966); and as applied to the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966, vide the Himachal Pradesh (Application of Laws) Order, 1948 and the Bilaspur (Application of Laws) Order, 1949.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Punjab Excise (Himachal Pradesh Amendment) Act, 1995.

Short title.

2. After section 26 of the Punjab Excise Act, 1914, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966; and as applied to the areas which comprised in Himachal Pradesh immediately before the 1st day of November, 1966 (hereinafter called the principal Act), the following section 26-A shall be inserted, namely:—

Insertion of section 26-A.

“26-A. *Prohibition of sale etc. of adulterated liquor.*—No licensed vendor and no person in the employ of such vendor or acting on his behalf shall adulterate any liquor, which the vendor is licensed to sell, in such a manner as to change the strength fixed and quality of such liquor and no such vendor or person shall possess, store, sell or expose for sale, any such adulterated liquor.”

3. In section 61 of the principal Act,—

Amendment of section 61.

(i) in sub-section (1),—

(a) for the words “five thousand”, the words “two lakh” shall be substituted;

(b) in the proviso,—

(i) in part (i), for the words “one year” and “five thousand”, the words “three years” and “one lakh” shall be respectively substituted;

(ii) in part (ii), for the words “six months” and “one thousand”, the words “one year” and “fifty thousand” shall respectively be substituted;

(iii) in part (iii), for the words “three months”, “five hundred”, “six months” and “one thousand”, the words “six months”,

"five thousand", "one year" and "ten thousand" shall respectively be substituted; and

(iv) in part (iv), for the words "six months" and "two thousand", the words "one year" and "twenty thousand" shall respectively be substituted; and

(ii) in sub-section (2), for the words "with imprisonment for a term which may extend to two years and fine which may extend to two thousand rupees", the signs ",—" shall be substituted and thereafter the following paras shall be added, namely:—

"(i) where such contravention relates to an offence specified in clauses (a), (c), (d) and (e), with imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees; and

(ii) where such contravention relates to an offence specified in clause (b), with imprisonment for a term which may extend to five years and shall also be liable to fine which may extend to fifty thousand rupees."; and

(iii) after sub-section (2), the following sub-section shall be added namely:—

"(3). Notwithstanding anything contained in sub-section (1), where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 20 or section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as the case may be.".

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Amendment
of section
63.

4. In section 63 of the principal Act, for the words "five thousand", the words "one lakh" shall be substituted.

Insertion of
section
65-A.

5. After section 65 of the principal Act, the following section 65-A shall be inserted, namely:—

"65-A. *Penalty for sale etc. of adulterated liquor by licensee or his servants.*—Notwithstanding anything contained in section 65 of this Act, if any licensed vendor, or any person in his employ or acting on his behalf, possesses, stores, sells, or exposes for sale any adulterated liquor in contravention of section 26-A of this Act, he shall be punishable with a fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees."

Amendment
of section
68-A.

6. In section 68-A of the principal Act,—

(a) in the first proviso, for the words "five thousand", the words "two lakh" shall be substituted; and

(b) for the second and the third provisos, the following provisos shall be substituted, namely:—

"Provided further that the enhanced punishment shall not in any

way affect the minimum sentences prescribed for the offences specified in the proviso to sub-section (1) of section 61 :

Provided further that where any contravention relates to intoxicating drugs, such contravention shall be punishable under section 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985."

of 1985

7. In section 72 of the principal Act, in the proviso, after the word and figures "section 61", but before the words "shall be", the words and figures "and the offences punishable under section 63" shall be inserted.

Amendment
of section
72.

8. In section 80 of the principal Act, in sub-section (1),—

Amendment
of section
80.

(a) after the word and the figure "section 65", the signs, word, figure and letter "section 65-A" shall be inserted; and

(b) at the end, the following proviso shall be added, namely:—

"Provided that in respect of the offence punishable under section 65-A, the Collector shall not accept from the accused person a sum of money by way of composition which is less than twenty-five thousand rupees."

